

**WASHINGTON STATE BOUNDARY REVIEW BOARD  
FOR KING COUNTY**

**REGULAR MEETING MINUTES**

**May 12, 2005**

**I. CALL TO ORDER**

Vice Chair Charles Booth convened the meeting at 7:00 p.m.

**II. ROLL CALL**

Charles Booth	Angela Brooks
Robert Cook	A. J. Culver
Jim Denton	Roger Loschen
Michael Marchand	

**III MINUTES**

Regular Meeting: Vice Chair Charles Booth presented the minutes of the Regular Meeting of April 14, 2005 for review and action by the Board members.

*Action: Michael Marchand moved and Roger Loschen seconded the motion to adopt the minutes of the Regular Meeting of April 14, 2005. The Board voted (6 in favor) to approve this record. Michael Marchand abstained as he did not attend the meeting.*

**IV. CURRENT BUSINESS**

**A. Public Hearing Requests**

City of Renton - Mosier II Annexation (File No. 2195)

Mrs. Blauman reported that, on April 12, 2005, the City of Renton submitted the proposed Mosier II Annexation (31 acres). This annexation was proposed under the 60% petition method), pursuant to RCW 35A.14. Renton City Council adopted the petition for annexation in February 2005.

On May 11, 2005, the City of Renton invoked jurisdiction, seeking to expand the Mosier II Annexation by the addition of approximately 35 acres (for a total annexation of 66 acres.)

At this time, pursuant to RCW 36.93.160, the Board is being requested to support the setting of a hearing date for the proposed Mosier II Annexation and potential modification of the Annexation. The Board members are also invited to determine whether to schedule a tour of the site.

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The Boundary Review Board, by unanimous agreement, set a hearing date of July 18/19, 2005 to hear the City of Renton's request to modify the boundaries of the Mosier II Annexation. The Board also scheduled a tour of the site.

#### File No. 2197 City of Renton Maplewood Addition Annexation

Based upon a citizen petition, the City of Renton proposes the annexation of 60.5 acres, known as the Maplewood Addition. City of Renton officials report that the territory described as the Maplewood Addition is located within the boundaries of a greater land area proposed for incorporation as a new City of Fairwood.

In conjunction with the Maplewood Addition Notice of Intention, the City of Renton has invoked jurisdiction of the Boundary Review Board. The City is requesting a public hearing in order to "allow simultaneous consideration of this annexation with the proposed Fairwood incorporation as well as an opportunity to consider possible future expansion of this annexation's boundaries."

Thus, if the Board elects to simultaneously consider the Maplewood Addition Annexation and the Fairwood Incorporation, the Board would conduct a review of the proposed Maplewood Addition in conjunction with a review of the proposed Fairwood Incorporation. Based upon the currently estimated review schedule for the Fairwood Incorporation, a public hearing for the incorporation will likely take place in Autumn of 2005.

Under RCW 36.93.105 "if a review of a proposal is requested, the board shall make a finding as prescribed in RCW 36.93.150 within one hundred twenty days after the filing of such a request for review. If this period of one hundred twenty days shall elapse without the board making a finding as prescribed in RCW 36.93.150, the proposal shall be deemed approved unless the board and the person who submitted the proposal agree to an extension of the one hundred twenty day period." Thus, the City of Renton may find it necessary to waive the 120-day requirement to support the requested simultaneous review of the proposed Maplewood Addition Annexation and the proposed Fairwood Incorporation.

### **V. ADMINISTRATION**

#### **A. CHAIR'S REPORT**

##### General Business

Vice Chair Booth and Lenora Blauman reported that the Board is currently working on several projects including: (1) coordinating programs with King County Executive/Council Work Program; (2) coordinating efforts with the State Association to develop and implement positions on proposed legislation at the Legislature's 2005 Interim Session; (3) administration of the proposed Fairwood Incorporation; (4) pre-development review for future Notices of Intention; (5) preparation of the Year 2006 Budget Proposal; and (6) revisions to the Board Organization Rules to achieve compliance with new state and regional regulations. Committee members and staff will report on these activities.

#### **B. COMMITTEE REPORTS**

##### Budget Committee:

A. J. Culver and Lenora Blauman reported that the Year 2006 Budget Proposal development is underway. Mrs. Blauman is preparing the draft document. The package will be transmitted to the Budget Committee for review and comment on or about June 27. Mrs. Blauman will then prepare the final Budget Proposal for the King County Office of the Budget on or about July 05, 2005.

The Year 2005 Budget Supplement requested to support the large number of public hearings scheduled for this year has been approved by the Office of the Budget. The proposal will now be transmitted to the King County Council Budget Committee. There is, as yet, no scheduled date for hearing before the Budget Committee.

### Steering Committee

Charles Booth presented to the Board a Steering Committee proposal for several minor revisions to our Boundary Review Board Rules. Specifically proposed modifications were presented to the Board as follows:

- Page 6 (Section III.A.1) – Office hours are increased from 35 hours to 40 hours per week, per changes in the King County system.
- Page 10/11 – Revisions are proposed to ensure that – when jurisdiction is invoked – the Board promptly receives the information necessary to establish a file, publish legal notices, schedule a hearing, etc. Bob Kaufman has reviewed these revisions.
- Page 12 (Section B.3) - A minor editorial change reflects current policy.
- Page 21 (Section VII A and VII B) – A minor editorial change is proposed to clarify the Rule.

The Steering Committee is proposing that, if the modifications are acceptable, the Board take formal action to adopt the revised Organizational Rules.

No public hearing is required, as the existing Organizational Rules define the proposed modifications as housekeeping matters. The Rules exempt housekeeping matters from public hearing.

*Action: A. J. Culver moved and Roger Loschen seconded the motion to adopt the proposed revision to the Boundary Review Board Organization Rules. The motion was approved by unanimous vote.*

### Legislative Committee:

Roger Loschen and Lenora Blauman, reporting on behalf of the Legislative Committee, provided a brief summary of the Legislature's actions with respect to the bills of interest to the State Association of Boundary Review Boards.

The Legislature adopted the following bills into law:

#### **SB 5268** *Allowing Assumptions of Water-Sewer Districts by Code Cities*

Permits the assumption of a water-sewer district with fewer than 250 customers by a code city with more than 100,000 persons, even though no part of the district is within the corporate boundaries of the city. Signed by the Governor and effective on July 24, 2005.

#### **SB 5589** *Providing for Proceedings for Excluding Agricultural Land from the Boundaries of a Charter or Non-charter Code City*

Creates a method for property owners of agricultural land located within a code city to petition for exclusion from the incorporated area of that code city that does not require the issue to be submitted to the voters for approval. Signed by the Governor and effective on July 24, 2005.

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The proposed bills that directly addressed the role of the boundary review boards (i.e. HB 1285, HB 1417, HB 1932) did not become law during Legislature 2005. These bills can be re-introduced on the first day of the 2006 Legislative Session at the point that they were in the legislative process when this session ended.

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The House Local Government Committee will be producing a formal Study Plan for the 2005 Interim Session. The Plan will include a study of growth management issues, best available science, buildable lands, development standards, tax programs; water-sewer district rights and responsibilities; and fire district rights and responsibilities. Attention will also reportedly directed to municipal annexations and special purpose district annexations.

The Association is requesting this document. As appropriate, Ms. Fromhold will be working with the Local Government Committee on behalf of the Association.

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Although the Association has not conducted a formal meeting to evaluate the work of the group in Olympia in 2005 Regular Session, the general feedback provided by the members indicates that the Association was able to work effectively and timely during this Regular Session. Association members are being asked to remain diligent during the Interim Session, as much of the agenda for Legislature 2006 will be developed during the 2005 Interim Session.

### **C. Executive Secretary's Report**

#### Fairwood Incorporation Proposal:

Mrs. Blauman stated that, at the April 2005 Regular Meeting of the Boundary Review Board, Michael Thomas (King County Office of the Executive) introduced the independent consultant (Berk & Associates - Brett Sheckler) who is preparing the Governance Study for the proposed Fairwood Incorporation.

The scope of the study is being developed by Berk & Associates with input from a Fairwood Citizens group and from various government agencies.

Prior to confirming the Final Scope for the Governance Study, Berk & Associates reported an interest in receiving from the Boundary Review Board input on the Study content and structure based upon the fact that the Board will be conducting a formal review and analysis of the Study and based upon the fact that the Board would rely, in part, on the Study Report in decision-making for the Fairwood Incorporation.

At the April 2005 Regular Meeting, Boundary Review Board members expressed concern that participation by Board members, at this time, in the determination of the scope of the Governance Study could constitute a conflict of interest – in fact or by appearance -- with requirements (e.g., RCW 35.02, RCW 36.93) for conducting an independent quasi-judicial hearing in a public review forum. On that basis, the Board declined to comment on the plans for the Study.

Subsequent to the Regular Meeting, the Board was advised that Berk & Associates entered the complete Scope of the Fairwood Study Contract into the public record. By providing the materials to the record, Berk & Associates seeks input on the Governance Study plans from a more diverse group of community members and government agencies.

As such, Robert C. Kaufman, Special Assistant Attorney General, to the Boundary Review Board determined that it would be acceptable, under the law, for Board members to provide requests for inclusion/collection of general information and for presentation of the Study Report.

Upon receiving the Governance Report – now estimated to be completed in July 2005 – the Board may begin the process of review of the proposed incorporation of a new City of Fairwood. The Board may also consider, as appropriate under the law, other options for local jurisdiction – including changes to the proposed incorporation boundaries; annexation; and/or retention of unincorporated areas

File No. 2168 Redmond Rose Hill:

Briefings have been provided to Superior Court from the plaintiffs, represented by Richard Aramburu. Responsive briefings have also been provided to the Superior Court by the Boundary Review Board (represented by Mr. Kaufman), King County (represented by the Prosecuting Attorney's Office), and the City of Redmond (represented by City Attorney, Jim Haney.)

Robert Kaufman, Special Assistant Attorney General to the Board, reported the key elements of Mr. Aramburu's briefing. He also summarized the content of the responsive briefings from each of the defendants (i.e., Boundary Review Board, King County, and City of Redmond.)

Mr. Kaufman stated that the matter is scheduled for hearing by the Superior Court on June 9, 2005.

WSABRB Spring Workshop: Mrs. Blauman reported that several Board members will be participating in the Association's Spring Training Workshop (scheduled for May 18, 2005 in Ellensburg, Washington).

Reginald Holmes has coordinated registration and ride-sharing for this event.

WSABRB Fall Conference: Planning for the Association's Fall Conference (scheduled for September 28 – 30 in Bellingham, Washington) is well underway. The theme is confirmed as "Growth Management." With sessions addressing a variety of growth management issues, such as land development and moratoria; services provision (e.g., water resources and water rights); and environmental preservation (e.g., best available sciences). There will also be a session on Measure 37 – Oregon's new law that requires the government to compensate land owners for limitations placed on land uses. Ideas for other program topics, speakers, and activities are welcome. Sessions will address the present and future role of the boundary review boards with respect to growth management..

An initial invitation and program for the Fall Conference will be available in May, 2005.

#### **D. CORRESPONDENCE**

Correspondence was reviewed briefly. No questions or issues were raised with respect to the substance of the correspondence.

### **VI NEW BUSINESS**

#### **A. NOTICES OF INTENTION**

File No. 2195: City of Renton Mosier II Annexation

The City of Renton proposes the annexation of approximately 31 acres, known as the Mosier II Annexation. This annexation was proposed under RCW 35A.14. Renton City Council adopted the petition in February 2005. Subsequently Renton officials invoked jurisdiction to expand the annexation to a total of 66 acres (including the initially proposed 31 acres and 35 new acres.) The Board has authorized a public hearing to review this annexation.

The Board presented no substantive comments or questions concerning the proposed annexation.

File No. 2196: Soos Creek Water & Sewer District P365-S Annexation

The Soos Creek Water & Sewer District proposes the annexation of approximately 28 acres, known as the P365-S Annexation. This annexation was proposed pursuant to citizen petition and adopted by the Water & Sewer District, under RCW 57.24.070.

The Board presented no substantive comments or questions concerning the proposed annexation.

File No. 2197:City of Renton Maplewood Addition Annexation

The City of Renton proposes the annexation of approximately 60.5 acres, known as the Maplewood Addition Annexation. This annexation was proposed under RCW 35A.14. Renton City Council adopted the petition in April 2005.

Renton officials have invoked jurisdiction for the reported purpose of seeking a public hearing in order to “allow simultaneous consideration of this annexation with the proposed Fairwood Incorporation as well as an opportunity to consider possible future expansion of the initially proposed boundaries of this annexation.”

The Board has authorized a public hearing to review this annexation.

The Board presented no substantive comments of questions concerning the proposed annexation.

File No. 2198 City of Bellevue C&R RVA Annexation

The City of Bellevue proposes the annexation of approximately 11.4 acres, known as the Mosier II Annexation. This annexation was proposed under RCW 35A.14. Bellevue City Council adopted the petition in March 2005.

The City of Bellevue and the property owners have provided an agreement which designates approximately 10 acres as open space/trail. The remainder of the land is designated for single-family residential development.

The Board presented no substantive comments of questions concerning the proposed annexation.

**B. PENDING FILES**

Auburn	Bellevue
Covington	Federal Way
Issaquah	Kirkland
Kent	Ronald Sewer District
Redmond	Renton (4 files)
Tukwila	Woodinville

**VII. ADJOURNMENT**

Action: *Jim Denton moved and Angela Brooks seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 8:05 p.m.*